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Review of the implementation of the recommendations and decisions adopted by the General Assembly at its tenth special session: Advisory Board on Disarmament Matters

Work of the Advisory Board on Disarmament Matters

Report of the Secretary-General**

Summary

The Advisory Board on Disarmament Matters held its thirty-eighth and thirty-ninth sessions in New York from 30 January to 1 February and in Geneva from 17 to 19 July 2002, respectively.

The Board focused its deliberations on: (a) weapons of mass destruction and terrorism, in particular nuclear safety and security, and the preparedness of the public health systems to deal with bioterrorism; (b) biological weapons and the Biological Weapons Convention; (c) implementation of the Programme of Action adopted at the 2001 United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects; (d) weaponization of outer space; and (e) disarmament and development.

The Board agreed that, in order to address seriously the threat of terrorism and the danger of the possible acquisition and use of weapons of mass destruction by terrorists, it was imperative to strengthen and further develop a multilateral legal framework for arms control. The Board put forward a number of recommendations on preventing terrorist groups from developing, acquiring or using weapons of mass destruction, including the establishment of a governmental expert group to develop a comprehensive action plan to deal with nuclear terrorism. The Board emphasized the urgent need to strengthen the Biological Weapons Convention, particularly in view of the dangers posed by potential bioterrorism. The Board welcomed the adoption of the

* A/57/150.

** The present report covers the results of the thirty-eighth (30 January-1 February) and the thirty-ninth (17-19 July) sessions of the Advisory Board in 2002.

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Programme of Action at the 2001 United Nations Conference on Small Arms as an important first step taken by the international community to combat and eradicate the illicit trade in small arms and light weapons and expressed its concern over the lack of norms banning the transfer of those weapons to non-State actors. The Board agreed to review its accomplishments and to discuss how to improve its functioning in 2003 on the occasion of the twenty-fifth anniversary of its establishment.

In its capacity as Board of Trustees of the United Nations Institute for Disarmament Research, the Board approved for submission to the General Assembly the report of the Director of the Institute on its activities from August 2001 to July 2002 and the programme of work and budget for 2003 (see A/57/302).

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I. Introduction

1. The Advisory Board on Disarmament Matters held its thirty-eighth and thirty-ninth sessions in New York from 30 January to 1 February and in Geneva from 17 to 19 July 2002, respectively. The present report is submitted pursuant to General Assembly resolution 38/183 O of 20 December 1983. The report of the Board on its work as Board of Trustees of the United Nations Institute for Disarmament Research (UNIDIR) has been presented in a separate document (A/57/302).

2. Arundhati Ghose of India chaired the two sessions of the Board in 2002.

3. The present report summarizes the Board's deliberations during the two sessions and the specific recommendations it conveyed to the Secretary-General.

A. Weapons of mass destruction and terrorism

4. At both of its sessions in 2002, the Board focused closely on a number of issues concerning threats from the possible development, acquisition and use of weapons of mass destruction (nuclear, chemical and biological weapons) by terrorists. Two specific issues appeared on the agenda of the thirty-ninth session of the Board: nuclear security and safety, and the preparedness of public health systems to deal with bioterrorism.

5. The Board agreed that a multilateral approach remained the only effective way of combating terrorism involving weapons of mass destruction and reiterated the need for respect for international law, including disarmament and arms control agreements on weapons of mass destruction. The Board underscored the important role that the existing arms control and disarmament agreements could play in preventing the development and acquisition of weapons of mass destruction by non-State groups, as States were obligated not to allow access to such weapons to unauthorized groups or persons. Therefore, promoting the universality of existing agreements such as the Treaty on the Non-Proliferation of Nuclear Weapons, the Chemical Weapons Convention and the Biological Weapons Convention should be vigorously pursued. The Board recognized the need to engage non-parties to those agreements in dialogues and consultations aimed at cooperation among all States in preventing the possession or development by terrorist groups of weapons of mass destruction.

6. The Board recommended that the Department for Disarmament Affairs should undertake consultations with relevant international and regional organizations and should serve as a focal point in the efforts to deal with the terrorist threat with weapons of mass destruction, including the regular exchange of information among States and interested organizations.

7. At the thirty-eighth session, the Board discussed papers on the subject prepared by Vicente Berasategui and Pascal Boniface. The Board members put forward a number of specific proposals:

- As multilateral disarmament agreements envisage consultation and cooperation among the States parties, periodic consultations should be held to review the attempts by non-State groups to develop and acquire weapons of mass destruction and the actions taken by the States parties to react to them.
- The new Security Council Counter-Terrorism Committee should coordinate all international efforts to prevent possible terrorist acquisition or development of weapons of mass destruction.
- The Secretary-General shall be entitled to resort to Article 99 of the Charter of the United Nations in case of terrorist activities leading to the development of weapons of mass destruction.
- The coverage of the existing database of the International Atomic Energy Agency (IAEA) on illicit trafficking of nuclear materials should be made more comprehensive in order to better monitor proliferation and the terrorist threat posed by nuclear theft and illicit export.
- Given the vulnerability of civilian nuclear establishments to sabotage, quick action needs to be taken at both the national and the international level to redress the situation.
- In order to ensure prompt and effective assistance to those States under attack or threat of attack by terrorists with weapons of mass destruction, international mechanisms for mutual assistance in case of emergencies should be established or strengthened. This is of particular importance to weak States.
- The Conference on Disarmament should take up the issue of radiological weapons again, but from a new perspective — the potential threat of terrorist attack with such weapons.

- State sponsorship of the possible development, acquisition and use of weapons of mass destruction by terrorists needs to be monitored carefully.

- Tactical nuclear weapons pose serious risks of diversion due to their small size and modes of forward basing, and merit enhanced safeguards and security.

8. At its thirty-ninth session, the Board continued its consideration of the issue, both in general and focusing on specific aspects, namely, nuclear security and safety, and the preparedness of public health systems to deal with bioterrorism. It heard useful briefings from the Under-Secretary-General for Disarmament Affairs, Jayantha Dhanapala, on the work of the Counter-Terrorism Committee and the Policy Working Group on the United Nations and Terrorism, as well as activities undertaken by the Department for Disarmament Affairs in addressing the issue of weapons of mass destruction and terrorism. The Board was also briefed by Dr. David Heymann, Executive Director for Communicable Diseases, World Health Organization (WHO), on the subject "Preparedness for the deliberate use of biological agents: a rational approach to the unthinkable". The Board also received discussion papers on the subject prepared by Harald Müller, William Potter and Kostyantyn Gryshchenko. The Board produced a number of findings and specific recommendations.

9. The Board stressed that the threat of terrorism with weapons of mass destruction was real. Currently, there were terrorist groups whose strategic calculus included mass fatalities as a legitimate means of achieving their goals. Materials and technologies to build weapons of mass destruction were generally accessible. Apart from weapons of mass destruction themselves, terrorist attacks on nuclear, biological and chemical facilities that would lead to the release of radioactivity, deadly biological agents or toxic chemicals were also a serious danger that must be addressed by the international community.

10. The Board found that, on the other hand, there were obstacles to the terrorists acquiring and using weapons of mass destruction, such as difficulties in obtaining access, technical expertise or problems in their employment, as well as health hazards. There were thus opportunities to deter or deflect terrorists from acquiring and using these weapons through enhancing obstacles to access and mitigating the impact of their use.

11. The Board agreed that coherence and a mutuality of interest were conducive to strengthening the international coalition for combating terrorism involving weapons of mass destruction. Maintaining, strengthening and further developing bilateral and multilateral arms control, disarmament and non-proliferation agreements served to build confidence among States, reduce distrust and focus attention on the common security interest rather than divisive conflicts among states, thereby enhancing the opportunities for States to work together successfully in the fight against terrorism.

12. The Board defined two broad fields in which arms control, disarmament and non-proliferation instruments could be used to help combat terrorism involving weapons of mass destruction: prevention and enforcement, and mutual cooperation for emergency response.

13. The Board recommended that States parties to the various existing legal instruments use the review processes of those instruments to reaffirm their undertakings to take all necessary measures domestically to prevent unauthorized persons from obtaining weapons of mass destruction and the materials and technologies needed to manufacture them.

14. With regard to public information on terrorism involving weapons of mass destruction, a balance must be found between the drive, on the one hand, to issue a realistic assessment of the threat and convey ways to cope with it, and, on the other, to make a strong effort to avoid creating panic and to reassure the public that the Government is taking all necessary and possible measures to prevent the threat from arising, and to mitigate the consequences if it does.

1. Prevention and enforcement

15. Arms control, disarmament and non-proliferation measures that reduce or eliminate weapons of mass destruction and prevent or restrict access to materials, equipment and technologies related to those weapons are intrinsically useful for reducing the "points of access" and therefore make it harder for terrorists to obtain such weapons. Specific measures must be adapted to different situations vis-à-vis terrorism involving nuclear, biological, and chemical weapons.

(a) Nuclear weapons terrorism

16. The Board identified four types of threats under nuclear terrorism:

(a) Attack on or sabotage of nuclear power installations;

(b) Matching highly radioactive materials with conventional explosives to create radiological dispersal devices ("dirty bombs");

(c) Theft or purchase of fissile material for the purpose of building and using a nuclear explosive device;

(d) Seizure and use of operational nuclear weapons.

17. Given the diversity of the threat and the multiple instruments to prevent it, the Board recommended that the General Assembly at its fifty-seventh session should establish a governmental expert group to develop a comprehensive action plan to deal with nuclear terrorism. The Board saw a compelling need to assess the full range of nuclear terrorist threats and to invest limited financial and political resources where they could have the greatest impact. The comprehensive action plan should comprise a systematic comparison and assessment of different nuclear threats, an analysis of their probable occurrence and consequences, and knowledge of the susceptibility of those threats to preventive and remedial action.

18. The Board noted that the action plan approved by the IAEA Board of Governors in March 2002 was a significant, but incomplete, step towards that objective. The plan should include the following priority measures:

(a) Preventive measures such as tightened personal screening at nuclear power plants and the protection of high-consequence nuclear facilities from truck bomb attacks which could serve as "quick fixes" to deal with significant vulnerabilities while a longer-term action plan was under development;

(b) Measures to secure, consolidate and eliminate highly enriched uranium (HEU) in civilian uses by converting research reactors to run on low-enriched uranium (LEU) negotiating the repatriation of all Soviet-origin HEU from research facilities outside of the Russian Federation, down-blending existing stocks of HEU to LEU and agreeing not to introduce reactor types using HEU in the power reactor sectors, and undertaking efforts to replace HEU in non-explosive military uses;

(c) Measures to secure and reduce non-strategic nuclear weapons. These weapons are the most vulnerable to theft by unauthorized persons and, for those lacking sufficient technical safeguards, the most prone to be used. The United States of America and the Russian Federation should be encouraged to reaffirm in a joint statement their continued commitment to the 1991-1992 parallel unilateral declarations to reduce and consolidate stocks of non-strategic nuclear weapons. In addition or alternatively, the United States Cooperative Threat Reduction Initiative could be utilized as a vehicle for safeguarding non-strategic nuclear weapons and enhancing their transparency;

(d) Negotiation of additional legal instruments or the amendment of existing ones:

- The Convention on the Physical Protection of Nuclear Material should be made applicable to civilian nuclear material in domestic use, storage and transport with a view to making protection for that material comparable to that recommended in the IAEA non-binding guideline INFCIRC 225/Rev.4. Parties should be requested to report to IAEA on the adoption of measures undertaken to bring national regulations into conformity with the amendment. In that context, States should agree to apply the strictest measures of physical security to the long-range maritime transport of spent fuel or fissile material in cooperation, as appropriate, with the coastal States concerned;
- In order to create an effective instrument of enforcement, efforts should be renewed to complete negotiations on the draft Convention on the Suppression of Acts of Nuclear Terrorism, based on the draft text submitted by the Russian Federation;
- Consideration of resuming negotiations in the Conference on Disarmament on a convention for the prohibition of radiological weapons in which States would undertake measures for securing material for such weapons and preventing unauthorized access to such material.

(b) Biological weapons terrorism

19. The Board noted that while the Biological Weapons Convention had not been negotiated from the perspective of fighting against terrorism, it nevertheless contained, like the other multilateral instruments on weapons of mass destruction, an obligation of States to prevent unauthorized access to deadly biological agents. The Board thus considered

that efforts to strengthen the Convention regime were also conducive to combating bioterrorism.

20. The Board considered that the following measures would be useful in that regard:

(a) Penalizing, in national legislation and in international criminal law, the abuse of biotechnology for terrorist purposes, including activities running counter to the provisions of the Biological Weapons Convention, and strictly enforcing such laws;

(b) Developing national capabilities of detection and investigation by strengthening international cooperation between intelligence communities and law enforcement agencies, at the bilateral and the multilateral levels;

(c) Promoting bilateral and multilateral cooperation and assistance in the field of non-proliferation aimed at reducing the biological weapons threat;

(d) Enhancing international cooperation at the multilateral level to prevent illegal trafficking of biological agents and equipment that can be used for terrorist purposes.

(c) Chemical weapons terrorism

21. In contrast to the threat of nuclear and biological terrorism, the chemical weapons threat was not discussed by the Board with equal depth. Measures which the Board deemed useful were:

(a) Reaffirming the undertaking by the States parties to the Chemical Weapons Convention to prevent unauthorized access to chemical warfare agents and precursor substances;

(b) Providing full physical security to chemical weapons agents in storage prior to their destruction, as well as for the destruction facilities.

2. Emergency response

22. The Board strongly recommended that the States parties to the respective international agreements concerning disarmament and non-proliferation of weapons of mass destruction agree to provide mutual assistance in case of emergencies as an obligation, such as explicitly expressed in article X of the Chemical Weapons Convention, and to make the necessary preparations to render such assistance in a prompt and effective manner.

23. The Board noted that partial responses had been provided for in the nuclear area in the 1986 Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency, and in the biological area in the WHO Global Outbreak Alert and Response Network and in resolution WHA55.16, adopted by the World Health Assembly on 18 May 2002.

24. The Board recommended that States consider and prepare measures for mutual assistance in the following areas:

(a) Locating weapons of mass destruction and rendering them harmless;

(b) Hot pursuit, fighting and detaining of terrorists that have or might have weapons of mass destruction;

(c) Forensic assistance in tracing the origins of weapons of mass destruction or their materials;

(d) Medical assistance;

(e) Decontamination;

(f) Financial assistance.

25. The Board considered that cooperative measures for emergency response were particularly urgent in the biological weapons field. They included:

(a) Preparation of societies, notably their public health systems, for the early detection of diseases (provision of disease surveillance systems, sufficient diagnostic equipment, education of alert health workers and doctors) and rapid response to the outbreak of diseases caused by bioterrorist attacks (vaccination, stockpiles of medicine for effective disease treatment);

(b) Establishment of an international vaccine bank with the necessary communication, transport and personal infrastructure to make an immediate impact at the point of attack.

B. Biological weapons and the Biological Weapons Convention

26. The Board heard briefings by Tibor Toth, President of the Fifth Review Conference of States Parties to the Biological Weapons Convention, and other experts on developments during the Review Conference and on prospects for the resumed session of the Conference scheduled for November 2002.

27. The Board regretted that the Ad Hoc Group of States Parties to the Biological Weapons Convention had failed to conclude a protocol aimed at strengthening the Convention and that the Fifth Review Conference had also been unable to renew the Group's mandate, thus leading to the adjournment of the Conference.

28. The Board agreed that, despite the setbacks, the Convention should nevertheless be strengthened, particularly in view of the dangers posed by potential bioterrorism. That process should include agreement on a protocol, which had been under negotiation in Geneva for several years. All States parties to the Convention should participate in that process.

29. The Board further agreed that the outcome of the previous Biological Weapons Convention review conferences should continue to be implemented. As 90 per cent of the elements in the draft final declaration of the suspended Fifth Review Conference had already been agreed upon, the Board further supported the view that the draft final declaration should not be lost, but rather preserved for future finalization.

30. The Board examined a number of ways to carry on the work so far achieved aiming at strengthening the Convention. In that connection, the Board noted that article V of the Convention provided the framework for consultation and it discussed and explored a number of approaches to achieve that objective, among them, that:

(a) The Secretary-General, with the assistance of the Department for Disarmament Affairs, could assist the process by convening consultations among the States parties and undertaking public campaigns. This could include holding seminars and workshops to prepare for the resumed session of the Fifth Review Conference;

(b) The President and/or the Bureau of the Fifth Review Conference could undertake consultations on monitoring the implementation of the outcome of the previous Review Conference.

31. The Board noted the importance of engaging the bio-industry in the process.

32. The Board also noted that there was a new awareness of the inadequacies of the public health systems to deal with bioterrorism and that such an awareness created opportunities to enhance public health services while simultaneously addressing new threats in the sphere of bioterrorism.

C. Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects

33. The Board received several discussion papers on regional perspectives on the subject from Mariama Bayard Gamatié, Jill Sinclair and Gelson Fonseca, Jr., respectively. The Board was briefed on the outcome of the Tokyo Follow-up Meeting to the 2001 United Nations Conference.

34. The Board welcomed the adoption of the Programme of Action at the 2001 United Nations Conference as an important first step taken by the international community to combat and eradicate the illicit trade in small arms and light weapons.

35. The Board discussed specific initiatives on the implementation of the Programme of Action at the national, regional and international levels.

36. The Board focused its discussion on several issues, such as the ban on transferring small arms and light weapons to non-State actors, domestic control of civilian possession of such weapons, strengthening of national export control systems, promoting a culture of peace, etc.

37. The issue of the prohibition of the transfer of such weapons to non-State actors figured prominently in the discussion. The Board expressed its deep concern over the lack of norms prohibiting the transfer of those weapons to non-State actors, especially in Africa.

38. The Board agreed that the United Nations should play an important role in strengthening the capacity of civil society to combat the illicit trade in small arms and light weapons.

39. It further agreed that the United Nations could play a crucial role in mobilizing public opinion, in encouraging and assisting States in drafting legislation, in training, in promoting the exchange of regional and national experiences, in collecting, collating and disseminating information related to combating the illicit trade in these weapons, and in forging global norms to apply in local situations.

D. Weaponization of outer space

40. The Board discussed the paper by Raimundo González on the subject. Some members also referred

to a joint paper submitted to the Conference on Disarmament on 28 June 2002 by several delegations on the subject (CD/1679).

41. The Board regretted the inability of the Conference on Disarmament to start substantive work on the subject. It agreed that there was a need to strengthen coordination and cooperation between the Conference on Disarmament and the Committee on the Peaceful Uses of Outer Space in addressing issues related to the subject.

E. Disarmament and development

42. Several members, recalling the action programme adopted at the International Conference on the Relationship between Disarmament and Development in 1987, expressed the concern that this important issue had been marginalized in recent years due to a lack of interest by some States. They emphasized that the question was of particular significance to developing countries, where much-needed resources for socio-economic development had been continuously diverted to armaments.

43. The Board noted the complexity of the issue, as it involved peace, security and development. The Board discussed the paper prepared by Mariama Bayard Gamatié on the subject. It agreed to revisit the important topic at its fortieth session in early 2003.

II. Board of Trustees of the United Nations Institute for Disarmament Research

44. At the thirty-eighth session, the Board heard the oral report of the Director of UNIDIR on the programme of work and budget of the Institute for 2002 and on its consideration by the Advisory Committee on Administrative and Budgetary Questions and the Fifth Committee at the fifty-sixth session of the General Assembly. The Board formally adopted the 2002 programme budget for UNIDIR.

45. The Board expressed its satisfaction that the work of UNIDIR was going from strength to strength and called for greater support of its useful work by Member States. The Board recommended that the necessary resources should be allocated within the Secretariat to translate some of the UNIDIR publications into the other official languages of the United Nations, especially the recently published *Coming to Terms with Security: Lexicon for Arms Control, Disarmament and Confidence-Building*, which was considered especially useful as an educational tool and would be of even greater value if it were available in all United Nations languages.

46. At its thirty-ninth session, the Board heard the report of the Director of UNIDIR on the activities of the Institute during the period August 2001 to July 2002 and the planned activities for 2003 and beyond, as well as on its programme of work.

47. The Board was pleased to note that the Budget Office had applied cost adjustments to the subvention for the Institute for 2002 and 2003. It expressed satisfaction that resources had been allocated within the Secretariat for the translation into Arabic of some of the UNIDIR publications, including *Coming to Terms with Security: Lexicon for Arms Control, Disarmament and Confidence-Building* and the forthcoming *Coming to Terms with Security: A Handbook on Verification and Compliance*. It expressed the hope that the level of support to UNIDIR would be maintained and also reiterated its strong support for an increase in the real value of the subvention to UNIDIR.

48. Several members of the Board expressed the view that the functioning of the Board of Trustees should be improved and it was agreed that the issue should be reviewed in conjunction with the review of the work and functioning of the Advisory Board as a whole at its next session.

49. At its thirty-ninth session, pursuant to article III, paragraph 2 (b), of the statute of the Institute, the Board approved, for submission to the General Assembly, the programme of work and budget of the Institute for 2003 (see A/56/302).

III. Disarmament Information Programme

50. The Under-Secretary-General for Disarmament Affairs, Jayantha Dhanapala, briefed the Board at its thirty-eighth session on the activities of the United Nations Disarmament Information Programme.

51. At its 39th session, the Board was briefed on the progress on the draft United Nations study on

disarmament and non-proliferation education that the Group of Government Experts was to submit to the Secretary-General pursuant to General Assembly resolution 55/33 E of 20 November 2000. The Board considered education and training to be an important yet underutilized approach to the promotion of disarmament and non-proliferation. It recommended that the findings of the study be given the widest distribution possible.

52. The Board heard presentations from representatives of several NGOs during both of its 2002 sessions. At the thirty-eighth session, the Board was briefed by Loretta Bondi of The Fund for Peace on issues related to small arms and light weapons and by John Burroughs of the Lawyers Alliance for World Security on the subject of weapons of mass destruction and terrorism. Ms. Bondi urged States and the United Nations to start negotiation on an international legal instrument on the tracing and marking of small arms and light weapons. Mr. Burroughs stressed that the elimination of nuclear weapons was the only effective way to prevent nuclear terrorism. At its thirty-ninth session, the Board heard presentations by Aaron Tovish of Parliamentarians for Global Action and Pablo Celi de la Torre from Central University of Ecuador, on weapons of mass destruction and terrorism, and disarmament and development respectively. Mr. Tovish made the point that the threat of terrorism involving weapons of mass destruction had not necessarily increased because of the 11 September terrorist attacks in the United States. Mr. Celi de la Torre emphasized that the experience of Latin American countries showed that transparency in military spending could contribute to confidence-building and promoting trust among States, and thus was conducive to curbing the diversion of resources to military uses.

IV. Future work

53. The year 2003 marks the twenty-fifth anniversary of the establishment of the Board. The Board felt that it was necessary to use the occasion to have a general review of its accomplishments over the years, as well as a discussion on how to improve its functioning in the future.

54. The Board proposed to include the following items in the agenda of its fortieth session:

(a) Review of the functioning and effectiveness of the Board;

(b) Open-source data for promoting disarmament;

(c) Continuation of the consideration of disarmament and development.

55. The Board agreed that the issue of rising military expenditures would be considered at its forty-first session.

Annex

Members of the Advisory Board on Disarmament Matters

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Ambassador
Member, Union Public Service Commission
New Delhi

Mariama Bayard Gamatié[a,b]
Consultant on development and gender issues
Niamey

Vicente Berasategui[a,b]
Ambassador of the Argentine Republic to the United Kingdom of Great Britain and Northern Ireland
London

Pascal Boniface[a,b]
Director
Institute of International and Strategic Relations
Paris

Rolf Ekéus[a]
High Commissioner on National Minorities
Organization for Security and Cooperation in Europe
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Raimundo González[a,b]
Ambassador of Chile to Austria
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Kostyantyn Gryshchenko[a,b]
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Ambassador of China for Disarmament Affairs
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Notes

[a] Participated in the thirty-eighth session.

[b] Participated in the thirty-ninth session.